FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

SECOND APPEAL NO. 43 OF 2007 @ SECOND APPEAL NO. 96 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATE : 29th March, 2007.

Heard.

Since the facts involved in these Second Appeals are common, these Second Appeals are being disposed of by this common order.

Second Appeal No. 43 of 2007 is filed by the husband seeking the setting aside of the order passed by the first appellate Court by which the Courts had directed the appellant to pay the monthly maintenance of Rs. 3,500/- to the respondent wife from the date of the institution of the suit.

Similarly Second Appeal No. 96 of 2007 is filed by the wife for enhancing the amount of maintenance payable to wife and seeking maintenance @ Rs.5,000/- per month.

I have perused both the judgments. The trial Court after considering the evidence tendered by the parties on record had directed the husband to pay maintenance to the wife @ Rs.2,000/- per month. The husband was further directed to pay the arrears of

maintenance from 15th August, 1993 till 14th August, 1996 @ Rs.2,000/- per month. The husband had not challenged the order passed by the trial Court in appeal. The wife had, however, challenged the judgment passed by the trial Court on 31st July, 2003 in Regular Civil Appeal No. 214/2003.

On a reappreciation of the evidence tendered by the parties on record, the appellate Court partially allowed the appeal and granted maintenance to the wife @ Rs. 3,500/- per month from the date of institution of the suit. The appellate Court, however, maintained the decree so far as it related to grant of past maintenance. The appellate Court considered the fact that the parents of the husband were not dependent upon him as his father was getting monthly pension of Rs.3,600/- and the father and mother of the husband also were the owners of certain agricultural lands situated in village Dastapur. Considering the monthly income of the husband, the appellate Court granted a monthly maintenance of Rs. 3,500/- to the wife. The Court held that considering the standard of living of the husband, the wife was entitled to receive an amount of Rs.3,500/- per month as monthly maintenance. The Court further held that an amount of Rs.3,500/- per month was sufficient for satisfying the needs of the wife.

I find no fault with the impugned judgment passed by the first appellate Court. In fact, the appellate

Court has considered the entire relevant evidence in the right perspective to grant the monthly maintenance of Rs. 3,500/- to the wife towards monthly maintenance.

The appellant wife in Second Appeal No. 96 of 2007 is permitted to withdraw an amount of Rs.10,000/- deposited by the husband in this Court. The aforesaid amount should be adjusted towards the arrears of maintenance payable by the husband.

Since no substantial question of law arises for consideration in these two Second Appeals, the same are dismissed with no order as to costs.

JUDGE

APTE